



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,605	01/21/2000	William J. Baer	STL000023US1	6038

23373 7590 04/28/2003

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 04/28/2003

Qd

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/489,605	BAER ET AL.	
	Examiner	Art Unit	
	Cam-Linh T. Nguyen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____ .

DETAILED ACTION

1. In view of the Appeal Brief filed on 03/24/2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
 - (2) request reinstatement of the appeal.
2. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 - 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Britton et al (U.S. 6,442,577).

♦ As per claim 1, 6, 11,

Britton et al (U.S. 6,442,577) discloses a method for facilitating creation and manipulation of compilations of content, comprising:

- “Providing a functional layer for interfacing over a network with a user interface and interfacing with a data repository containing a plurality of content entities ... of content”.
 - “A functional layer” corresponds to “Internet Content Provider” or (ICP), (See Fig.1 element 112.1 – 112.7).
 - “A network” corresponds to “the Internet 110” in Fig. 1.
 - “A user interface” corresponds to “the users 102.1 – 102.N” or the user in some Organizations (See Fig. 1).
 - “A data repository containing plurality of content entities” corresponds to “databases” that stored information as described in Fig. 3 – 6. These databases are located in the ICP nodes (See col. 6 line 15 – 19, 32 – 35, 55 – 58).
 - “The functional layer comprising a plurality of function modules” corresponds to the application installed in the ICP and the page files (See col. 7 line 20 – 36, Fig. 7). Because the application that installed in the ICP is capable identify or retrieve information from user request (col. 7 line 51 – 55), it must include different functions such as “Identify” or “retrieve” functions “for executing a function pertaining to the creation or manipulation of a compilation of content” such as creating a web page for user request.

- “The plurality of function modules receives requests from the user interface and returns information concerning the compilation of content”

See col. 5 line 4 – 7.

◆ As per claim 2 - 3, 7 – 8, 12 – 13,

- “One of the function modules creates a list of content entity identifiers defining the content and order of a compilation” See Fig. 3 – 4. The databases in the ICP is considered as a modules that includes “a list of content entity identifier” such as IP addresses, and the “order of a compilation” is corresponding to the level of web page of a particular entity. In addition, a web page files that established in the ICP (col. 7 line 28 – 29) can contain plurality of level (See col. 5 line 18 – 43).
 - One of the other modules located in the ICP is the “retrieve” function. If the request from user try to retrieve the third page of a main web page, this module must manipulates the list to redefine the content or order of the compilation.

◆ As per claim 4 - 5, 9 – 10, 14 – 15,

- “The compilation is hierarchically structured and wherein on of the function modules creates an outline of containers and content entity identifiers” See Fig. 3-4, col. 5 line 14 – 43.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton et al (U.S. 6,442,577) in view of Yoon et al (U.S. 6,173,407).

♦ As per claim 16 – 18,

Britton et al (U.S. 6,442,577) discloses a method for facilitating creation and manipulation of compilations of content, comprising all limitation as claimed in claim 1 – 15.

Britton fails to disclose a module that calculates the price for the content. However, Yoon et al (U.S. 6,173,407), discloses a method of authenticating and charging a client using a web infoshop service system comprising:

- A user request for information to a web system (See Fig. 6, element 606)
- If the request will use the relevant charged content provider, then the request is transmitted to the charged content provider. The information is transmitted back to client (See Fig. 6, col. 5 line 25 – 48).
- The web systems will calculates the fee, which is charged to the user for using the services of the charged content provider (Col. 7 line 9 – 23).

Clearly, Yoon system suggests to use a module that can calculates the price or fee for the content.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Yoon into the system of Britton, because the teaching allows the user to manage just one authentication value for the web

Art Unit: 2171

service, removing the burden on the user caused by maintenance of many authentication values for different content providers (See col. 9 line 1 – 11, Yoon).

Response to Arguments

7. Applicant's arguments with respect to claims 1- 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen
Art Unit 2171

LN



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100